

REMARKS/ARGUMENTS

Claims 1, 4, 5, 9-18, 20 and 22-30 stand rejected under 35 U.S.C. 102 and 35 U.S.C. 103 in view of three references cited by the Examiner.

The Examiner has indicated, however, that claims 6-8 and 19 objected to as being dependent upon a rejected base claim, but would be allowable if re-written in independent form.

In particular, the Examiner noted that none of the prior art of record are considered to teach, suggest or render obvious the invention of claims 6 or 19 wherein the sealing insert and the step are configured as defined therein so as to provide a substantially flat surface for supporting the MEA.

In response, the claims have been amended without prejudice as per the listing of claims provided above. In summary:

- Independent claim 1 was amended to include subject matter of claims 4, 5 and 6. Dependent claims 4 and 6 are hereby canceled.
- Independent claim 11 was amended to include subject matter of claims 16, 18 and 19. Dependent claims 16-19 are hereby canceled.
- Independent claims 20 and 27 are hereby canceled along with all claims depending therefrom.
- New claims 31-34 are submitted herein for consideration. Independent claim 31 recites an electrochemical cell including a first seal disposed between the first reactant flow field plate and the membrane electrode assembly for impeding leakage of process fluids, the first seal abutting the edge portion of the first gas diffusion layer and having a height that corresponds to a height of the step of the first gas diffusion layer such that a second side of the first gas diffusion layer

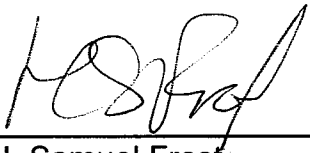
facing the membrane electrode assembly provides a substantially flat first surface for supporting the membrane electrode assembly.

In view of these amendments to the claims, it is understood that a detailed rebuttal of the rejections under 35 U.S.C. 102 or 35 U.S.C. 103 is not required.

In light of the foregoing, the Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Should the Examiner have any further questions, comments, or concerns related to this case and for which the Examiner deems a telephone call may expedite prosecution, the Examiner is invited to contact the undersigned at 416-957-1687.

Respectfully submitted,

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